

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

FRED REEVES, JR.,

Plaintiff,

v.

Case Number 08-13625-BC  
Honorable Thomas L. Ludington

KAREN PETERS, et al,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION, OVERRULING  
PLAINTIFF'S OBJECTION, DENYING PLAINTIFF'S APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND REQUIRING PLAINTIFF TO PAY FILING  
FEE WITHIN THIRTY DAYS**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on October 22, 2008. The magistrate judge recommends denying Plaintiff's application to proceed without prepayment of fees and costs. The magistrate judge asserts that Plaintiff has acquired three "strikes" under 28 U.S.C. § 1915(g), and that Plaintiff has not sufficiently alleged that he is in "imminent danger of serious physical injury," *id.*, to fall within the exception to the three-strikes rule.

On October 30, 2008, Plaintiff filed an objection. The objection does not address any specific portion of the magistrate judge's report and recommendation. Rather, Plaintiff attaches copies of the "kites," or previous requests that he has made for appointments with an eye doctor, and Plaintiff elaborates that his alleged vision problems stem from an incident in which he had feces thrown in his eyes. Plaintiff had previously indicated that he had "something in [his] eyes." Plaintiff stresses his belief that he is in danger of imminent harm.

The Court agrees with the reasoning and conclusion of the magistrate judge, and finds that Plaintiff's elaboration of the facts leading to his vision problems are immaterial. Based on the complaints that Plaintiff made in his "kites," Plaintiff has not sufficiently alleged that he is in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Moreover, in response to his "kites," Plaintiff was told that he would be eligible to make an appointment with an eye doctor on October 3, 2008, a date which has now passed.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 6] is **ADOPTED** and that Plaintiff's objection [Dkt. # 9] is **OVERRULED**.

It is further **ORDERED** that Plaintiff's application to proceed without prepayment of fees [Dkt. # 2] is **DENIED**. Plaintiff shall pay the filing fee by **February 9, 2009**, or suffer dismissal without prejudice of his case.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 23, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 23, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS